

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SIMON PHILLIPS, #761660,

Plaintiff,

v.

CASE NO. 10-CV-11195

HON. GEORGE CARAM STEEH

VETERANS ADMINISTRATION  
HOSPITAL,

Defendant.

---

ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION (#30)

Plaintiff Simon Phillips filed a complaint, *pro se*, alleging employment discrimination. On December 3, 2010, defendant filed a motion to dismiss. On June 28, 2011, Magistrate Judge Mark Randon issued a report and recommendation to grant defendant's motion to dismiss as plaintiff failed to state a claim and failed to name the proper defendant. On July 11, 2011, plaintiff filed objections to the report and recommendation. On August 2, 2011, the court adopted the report and recommendation and dismissed plaintiff's complaint. The same day, the court entered a judgment for defendant. On August 17, 2011, plaintiff filed a motion for reconsideration, arguing he was wrongfully discharged and asserting a right to a jury trial.

Local Rule 7.1(h)(3) of the Local Rules of the United States District Court for the Eastern District of Michigan provides:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable

implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

In his motion, plaintiff again argues he was wrongfully terminated. He states he “still holds to charges of descrimination [sic] as grounds for relief.” However, plaintiff has failed to show a “palpable defect” by which the court was misled in dismissing this case. For the reasons set forth in Magistrate Judge Randon’s report and recommendation and in the order adopting it, plaintiff fails to state a claim and failed to name the proper defendant. In addition, plaintiff’s statement that he “should have been protected by union representation” appears to relate to his companion case, Case No. 10-11195, rather than this case. Now, therefore,

IT IS HEREBY ORDERED that plaintiff’s motion for reconsideration is DENIED.

SO ORDERED.

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: September 14, 2011

#### CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on September 14, 2011, by electronic and/or ordinary mail and also to Simon Phillips, III, #761660 at St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880.

S/Josephine Chaffee  
Secretary/Deputy Clerk